

# **PROTESTS GFS**

## **TWILIGHT SERIES, SUMMER, RACE 4, BLACK DIVISION 6 -20 January 2016**

**IRUKANDJI and JACKPOT, CONQUISTA**

**JACKPOT and IRUKANDJI**

These protests were heard on 28 January 2016

### **Committee**

Michael Murphy, chairman

Alan Bull, and

Graeme Davey

### **Parties**

Paul Stubbs, skipper of Irukandji,

Adrian Van Bellen, skipper of Jackpot

Robert Hale, skipper of Conquista

### **Witnesses and exhibits**

Evidence was also given by

Stephen Nash (co owner and crew on Irukandji), called by Irukandji, and,

Ian Creak (skipper of Ausreo) and Michael Armati (mainsheet hand on Jackpot), called by Jackpot

The committee was assisted by;

A video taken from a camera attached to the boom of Irukandji and by still photos taken from the video.

A chart from the GPS of Irukandji showing the course of Irukandji before and after the start

### **Informing the protestee**

Both Irukandji and Jackpot displayed a red flag and hailed "Protest" in compliance with rule 61

### **Events**

In the twilight race on 20 January 2016 all three boats that are parties in these protests were approaching the start line in the Black Division race. Another boat, Ausreo in black division was approaching with them. The other boats in Black Division were clear of them and not involved in these incidents.

The start line is from the GFS clubhouse in Greenwich generally South West to a buoy close to the Woolwich shore.

The wind was thought by some witnesses to be NNE and others thought it was more E, but this does not affect the outcome.

In the few minutes before the start at 6.10pm Jackpot was approaching the start line on port tack, close hauled and would pass close to the buoy. She had luffed up to lose speed and not cross early.

Irukandji, Conquista and Ausreo were all reaching on a port tack towards the buoy end of the start line, but on slightly different courses. Conquista sailed across the bows of Irukandji, and then turned downwind and was then on a course parallel to Irukandji.

Paul Stubbs said he believed there was room for Irukandji between Conquista and Jackpot because he expected Jackpot to turn downwind as soon as she started. That would have put Jackpot on a course similar to Conquista and Irukandji and avoided a collision. In the event Jackpot did not clear the starting buoy soon enough, and by the time she did events had become more difficult because Ausreo had sailed in between Jackpot and Irukandji which gave Jackpot less or no room to move.

Ausreo was sailing between Jackpot and Irukandji and clear of both. Initially Ausreo was behind the other three boats and only became overlapped between Irukandji and Jackpot in the last stages before the collisions. Ausreo could see that the other three boats were converging and its decision to sail into the gap would contribute to a collision unless Conquista and Irukandji were able to, and did, move up and give Ausreo room. In the event they could not move up sufficiently because of the proximity between them.

The courses of all four boats were such that they were converging and would meet on the start line close to the buoy, unless some or all changed course. Initially all boats thought there was enough room to cross the start line.

Jackpot was moving slowly as it was so close to the wind, and Conquista was slower than Irukandji and Ausreo.

As they came close to the start Jackpot called on Ausreo to go up and keep clear, Ausreo called on Irukandji to go up and keep clear, and Irukandji called on Conquista to go up and keep clear.

Robert Hale from Conquista said he had been unaware that Irukandji was to leeward and overlapped with him until he heard these calls. When he looked around he saw Irukandji's bow overlapping Conquista by about 1.5 m and about 1.5 m to leeward. Stephen Nash from Irukandji thought the distance to leeward of Irukandji's bow from Conquista's stern at the time of the calls was 2 to 3 m. Paul Stubbs thought there was sufficient distance for Conquista to be keeping clear, but agreed the distance was not large.

Robert Hale said when the calls came he tried to steer up to port and give more room, but could not move far because he would have turned his stern into Irukandji's bow. Paul Stubbs said he tried to steer up, but could not move far because he would have hit Conquista's stern. He was also limited by the need to give Conquista room to turn up to port. In fact the stern of Conquista touched Irukandji's bow as both boats tried to avoid Ausreo and Jackpot.

As the four boats went over the line and started, they converged. Ausreo collided with Jackpot near its stern and then collided with Irukandji. Irukandji then collided with jackpot. Conquista sailed past, and apart from the touch with Irukandji seconds earlier was not involved in the main collision.

Before dealing with rule 11, "On the same tack, overlapped" it is necessary to consider a submission made by Irukandji. In Paul Stubbs view Jackpot, just before the collision, had passed through head to wind and was on a starboard tack. Under rule 13, if Jackpot had passed head to wind it was obligated to keep clear of the other boats. Stephen Nash agreed but was not as sure. The video showed Jackpot's genoa clearly backwinded just before the collisions

Adrian Van Bellen was sure he had not tacked and had not passed through head to wind. He had not realised his genoa had backwinded until he saw the video and thought the backwinded genoa was from local turbulence with the boats together, or that the collision with Ausreo had pushed Jackpot off course. Michael Armati was mainsheet hand on Jackpot and was sure the main sail had not backwinded and had continued to draw on a port tack until the collision.

In this conflict of evidence the Committee accepts there was no reason for Jackpot to turn through head to wind, and accepts the evidence of Michael Armati. He was closest and had the clear view of the main which continued to set on a port tack. The committee accepts Jackpot did not pass head to wind.

The question arises under rule 14 whether Jackpot avoided contact with the other boats. There was damage to Irukandji so that 14 (b) does not apply. Adrian Van Bellen said that when he realised Irukandji was not going to turn up and give him room, he was travelling too slowly to avoid a collision and that he had not cleared the start line buoy. The committee does not accept that avoiding the buoy would justify a collision. It is also aware that at the time where Jackpot would have realised Irukandji was not going to keep clear, Ausreo was hard on its windward stern and any change of course would have caused or aggravated the impending collision with Ausreo. This was a closely discussed point, and Jackpot may not have done as much as it could to avoid a collision. However there was insufficient evidence to conclude that this was so.

The committee, by majority accepts that Jackpot did not have the opportunity to turn to starboard and avoid a collision with Irukandji.

### **Facts found**

In the short period before starting Jackpot was to leeward of Ausreo. Ausreo was to leeward of Irukandji. Irukandji was to leeward of Conquista. All boats were overlapped and on port tack.

When Irukandji gained an overlap to leeward of Conquista there was insufficient room for Conquista to keep clear of Irukandji and when Jackpot called for room seconds later the two boats could not turn up sufficiently to avoid a collision.

Jackpot did not pass head to wind prior to the collision.

When Jackpot realised the other boats were not going to keep clear, she did not have the opportunity to steer away and avoid a collision. Her slow speed and the presence of Ausreo on her stern prevented any successful action.

Ausreo is not a party to these protests and no finding is made as to whether she broke rule 11 or was exonerated while doing so.

Irukandji did not keep clear of Jackpot and broke rule 11. Irukandji did not give Conquista room to keep clear when Irukandji gained the overlap to leeward of Conquista, and broke rule 15. At the time Ausreo gained an overlap with Irukandji there was not room or opportunity for Irukandji to keep clear of Ausreo. Had Ausreo protested Irukandji would have been exonerated under rule 64.1 (a)

Conquista did not keep clear of Irukandji, Ausreo and Jackpot, but was unable to do so because of the close presence of Irukandji on her windward stern from the time the overlap with Irukandji was established. This limited Conquista's ability to turn up. Conquista broke rule 11 but is exonerated by rule 64.1 (a).

### **Decisions and penalties**

The protest by Irukandji against Jackpot is dismissed.

The protest by Irukandji against Conquista is dismissed.

The protest by Jackpot against Irukandji is upheld and Irukandji is disqualified.

Michael Murphy. Protest Committee chairman

30 January 2016